



# California Regulatory Notice Register

REGISTER 2009, NO. 11-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 13, 2009

## PROPOSED ACTION ON REGULATIONS

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Conflict of Interest Code — Notice File No. Z2009-0303-02* ..... 405

State: California Community Colleges, Chancellor's Office

Multi-County: Antelope Valley—East Kern Water Agency  
Peninsula Corridor Joint Powers Board (CALTRAIN)

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Filing Requirements for Statements of Organization — Notice File No. Z2009-0303-07* ..... 406

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Notice File No. Z2009-0226-01* ..... 407

### TITLE 4. CALIFORNIA HORSE RACING BOARD

*Examination Required — Notice File No. Z2009-0303-09* ..... 408

### TITLE 10. DEPARTMENT OF CORPORATIONS

*Proposed Technical Corrections to the CCR — Notice File No. Z2009-0130-01* ..... 411

### TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

*Conflict of Interest Code — Notice File No. Z2009-0303-08* ..... 415

### TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

*Psychiatric Services Unit — Notice File No. Z2009-0226-02* ..... 415

### TITLE 16. MEDICAL BOARD OF CALIFORNIA

*Modification to Continuing Medical Educ. Audit — Notice File No. Z2009-0303-04* ..... 417

### TITLE 18. BOARD OF EQUALIZATION

*Sales for Resale — Notice File No. Z2009-0303-05* ..... 419

(Continued on next page)

***Time-  
Dated  
Material***

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME  
*California Black Rail Surveys, Sierra Nevada Foothills* . . . . . 421

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
*Notice of Intent to List 4–Methylimidazole* . . . . . 422

OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
*Operational Procedure 806 — Dealing with Inmate Property* . . . . . 423

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State . . . . . 424  
Sections Filed, October 1, 2008 to March 4, 2009 . . . . . 428

---

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

##### AMENDMENT

STATE: CA COMMUNITY COLLEGES,  
CHANCELLOR'S OFFICE  
MULTI-COUNTY: ANTELOPE VALLEY-EAST  
KERN WATER AGENCY  
PENINSULA CORRIDOR  
JOINT POWERS BOARD  
(CALTRAIN)

A written comment period has been established commencing on **March 13, 2009**, and closing on **April 27, 2009**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **April 27, 2009**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after **April 16, 2009**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **April 14, 2009**.

### BACKGROUND/OVERVIEW

Government. Code Section 84101 requires every committee that receives campaign contributions of \$1,000 or more to file a statement of organization with the Secretary of State within 10 days after it has qualified as a committee. Regulation 18402 provides that a committee shall use only one name on its statement of organization and that the Secretary of State shall not issue an identification number to any committee that has the same name as an existing committee. The proposed amendment to Regulation 18402 would provide that if two or more committees file a statement of organization with the same name the Secretary of State shall issue an identification number to the committee that files first after the date it qualifies as a committee.

Government Code Section 84102 provides the information that must be included on each statement of organization. Proposed Regulation 18410 would provide that the Secretary of State shall refuse to accept any filing of a statement of organization that does not contain the required information.

### REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18402: The Commission will consider amending Regulation 18402 to provide that whenever two or more committees file a statement

of organization and list the same committee name, the Secretary of State shall issue an identification number to the first committee to file its statement of organization so long as the committee has qualified as a committee and so indicates its qualification on the form.

Adopt 2 Cal. Code Regs. § 18410: The Commission will consider adopting Regulation 18410 to provide that a statement of organization must contain the required information before the Secretary of State may accept it for filing.

### SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding the filing of a statement of organization for a recipient committee under Regulation 18402 and proposed Regulation 18410.

### FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

### AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

### REFERENCE

The purpose for the proposed amendment to Regulation 18402 is to implement, interpret or make specific Government Code Sections 84101, 84102, 84103, 84504 and 84506. The purpose for the proposed adoption to Regulation 18410 is to implement, interpret or make specific Government Code Sections 84101, 84102, and 84103.

### CONTACT

Any inquiries should be made to William J. Lenkeit, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at [www.fppc.ca.gov](http://www.fppc.ca.gov).

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3435 of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action that was effective on September 5, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 2, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3435 of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action that was effective on September 17, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 2, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3435 of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action that was effective on October 29, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 2, 2009.

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3435 of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action that was effective on December 4, 2008. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 2, 2009.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before April 27, 2009.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

The adoption of Section 3435 established the regulated pest, Asian citrus psyllid (ACP), *Diaphorina citri*, a portion of San Diego County as the regulated area for the ACP, the articles and commodities covered and the restrictions on movement within and from the regulated area. The subsequent amendments to subsection 3435(b) established additional areas of San Diego County and portions of Imperial County as regulated areas. The effect of these actions was to establish authority for the State to conduct quarantine activities in these portions of the State against this pest. There is no existing, comparable federal regulation or statute.

### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3435 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because the agricultural commissioners of Imperial and San Diego counties requested that these areas become the area under quarantine; therefore, there are no mandated costs associated with the addition of this area to the regulation.

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed actions will not have a significant sta-

tewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The cost impact of the adopted and amended regulation on a representative private person or business is not expected to be significantly adverse.

#### **COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES**

A representative person or business could incur costs of approximately \$628 to \$1,769 per year in reasonable compliance with the proposed action.

#### **ASSESSMENT**

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### **ALTERNATIVES CONSIDERED**

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### **AUTHORITY**

The Department adopted and amended Section 3435 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code of California.

#### **REFERENCE**

The Department adopted and amended Section 3435 to implement, interpret and make specific Sections 5301, 5302 and 5322, Food and Agricultural Code.

#### **EFFECT ON SMALL BUSINESS**

The proposed amendment of this regulation may affect small businesses.

#### **CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### **INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/cdfa.pendingregs](http://www.cdfa.ca.gov/cdfa.pendingregs)).

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### **TITLE 4. CALIFORNIA HORSE RACING BOARD**

#### **TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS**

#### **NOTICE OF PROPOSAL TO AMEND RULE 1853. EXAMINATION REQUIRED**

The California Horse Racing Board (Board) proposes to amend the regulation described below after

considering all comments, objections or recommendations regarding the proposed action.

### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1853, Examination Required. The proposed amendment would allow a horse to run without horseshoes provided that its unshod participation is declared at the time of entry and noted in the official program.

### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Tuesday, May 19, 2009**, or as soon after that as business before the Board will permit, at **Hollywood Park, 1050 S. Prairie Ave, Inglewood, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on April 27, 2009**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Colleen Germek, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6049  
Fax: (916) 263-6022  
E-Mail: [colleeng@chrb.ca.gov](mailto:colleeng@chrb.ca.gov)

### AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19420 and 19440, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19420 and 19440, Business and Professions Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control for horse racing and pari-mutuel wagering.

The Board proposes to amend Rule 1853 by adding a new subparagraph (b)(1) through (3) to allow a horse to race unshod on the front feet, back feet, or all around provided the horse's condition is declared at the time of entry and noted in the official program. Requiring declaration of a horse's condition at the time of entry ensures consistency in how and when the information regarding the horse is reported. It also ensures the horse's unshod condition makes publication deadlines to be included in the official program. Under CHRB Rule 1454, Board May Direct Notices on Program, the Board may direct associations to publish in the program any information and notices to the public as it deems fit. The official program provides necessary information to the wagering public to assist them in their wagering decisions.

There is a school of thought that an unshod horse is a healthier, happier horse. The natural hoof, according to this belief, has evolved to provide the optimal amount of traction, shock absorption, and protection; therefore, wearing metal shoes may not always be the best option for a horse, particularly in a race. Persons who subscribe to this philosophy embrace the option to race horses unshod. Eliminating the mandatory shoe requirement gives individuals the option to race a horse unshod, provided the horse's "unshod" participation in such race is declared at time of entry and noted in the official program. There are currently thirteen racing jurisdictions in the United States that allow a horse to run without horseshoes.

### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.  
Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1853 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1853 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1853 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

## CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Colleen Germek, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6049  
E-mail: [colleeng@chrb.ca.gov](mailto:colleeng@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulation Analyst  
Telephone: (916) 263-6397  
E-mail: [harolda@chrb.ca.gov](mailto:harolda@chrb.ca.gov)

## AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Colleen Germek, or the alternative contact person at the address, phone number or e-mail address listed above.

## AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Colleen Germek at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

## AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Colleen Germek at the address stated above.

## BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## TITLE 10. CALIFORNIA DEPARTMENT OF CORPORATIONS

### NOTICE IS HEREBY GIVEN

The California Corporations Commissioner (“Commissioner”) proposes amendments to the following code sections in the California Code of Regulations, which are reasonably necessary to correct technical inaccuracies in various provisions in the Code of Regulations that have been rendered inapplicable as a result of the passage of time or modifications to other provisions in the Code of Regulations or the California Corporations Code. The Commissioner proposes to amend Sections 260.004, 260.017.1, 260.101, 260.102.14, 260.165, 260.210, 260.211, 260.230.1, 260.231A, 260.236, 260.236.1, 260.237.2, 260.240, and 260.241.3; and to repeal Sections 260.103.3 and 260.237.1 of Title 10 of the California Code of Regulations.

### PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Corporations’ (“Department”) contact person designated below no later than 15 days prior to the close of the written comment period.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed to Karen Fong, Office of Legislation and Policy, Department of Corporations, 1515 K Street, Suite 200, Sacramento, CA 95814-4052, no later than 5:00 p.m., April 27, 2009. Written comments may also be sent to Karen Fong via electronic mail at [regulations@corp.ca.gov](mailto:regulations@corp.ca.gov) or via fax at (916) 322-5875. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

### INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Based on its review of several sections of the Code of Regulations, the Commissioner believes that a number of references and sections in the Code of Regulations

are either incorrect or outdated, and others have been rendered inapplicable as a result of the passage of time or revisions to other provisions in the Code of Regulations or the Code.

Sections 260.102.14, 260.236.1, 260.237.2, and 260.241.3

These sections of the Code are no longer accurate and therefore minor, technical, and clean up changes are proposed.

### Section 260.004

The first sentence of Section 260.004(a) addresses exchanges that desire to be certified as excluded from the definition of a “broker–dealer” pursuant to “subdivision (d) of Section 25004” of the Code. However, Section 25004 of the Code does not contain a subdivision (d). The only reference to an “exchange” in Section 25004 of the Code appears in subdivision (a)(7) thereof, which provides that a “broker–dealer” does not include an exchange certified by the Commissioner pursuant to Section 25004 of the Code when it is issuing or guaranteeing options. Accordingly, the reference to “subdivision (d) of Section 25004” in the first sentence of Section 260.004(a) is proposed to be replaced with “subdivision (a)(7) of Section 25004”.

Section 260.004(b), which was adopted in 1975, refers to “a plan filed pursuant to Rule 9b–1 under the Securities Exchange Act of 1934”. The U.S. Securities and Exchange Commission (the “SEC”) adopted Rule 9b–1 in 1973 to require exchanges to file plans regulating transactions in options. (*See* Securities Exchange Act Release No. 10,552 (December 13, 1973).) But after the adoption of Section 260.004(b), the SEC repealed Rule 9b–1 because its procedures were largely duplicated by the new Section 19(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 19b–4 promulgated thereunder with respect to the filing of self-regulatory organizations’ rule changes generally. (*See* Securities Exchange Act Release No. 11,604 (August 19, 1975).) In 1982, the SEC adopted a new Rule 9b–1 promulgated under the Exchange Act. This new rule was part of a package of new rules designed to make the disclosure of information about standardized options more meaningful to investors and less burdensome to registrants and others. Accordingly, Section 260.004(b) is proposed to be amended to refer to “Rule 19b–4” rather than “Rule 9b–1” and reference a “filing” under it rather than a “plan” filed pursuant to it.

### Sections 260.017.1 and 260.103.3

Section 260.017.1 defines the term “voting shares” as used in subdivision (f) of Section 25103 of the Code. Similarly, Section 260.103.3 refers to “the term ‘voting shares’ as used in subdivision (f) of Section 25103 of the Code”. Formerly, clause (1) of Section 25103 of the Code required qualification of any stock split or reverse

stock split only if “the corporation ha[d] more than one class of *voting* shares outstanding” (italics added). As a result of amendments to Section 25103 of the Code enacted in 1976, the term “voting shares” no longer appears in Section 25103(f) of the Code. However, the term “voting shares” is included in Sections 260.105.6(b), 260.105.6(c) and 260.105.17(a)(4)(A). Accordingly, the reference to “Subsection (f) of Section 25103 of the Code” in Section 260.017.1 is proposed to be replaced with references to Sections 260.105.6(b), 260.105.6(c) and 260.105.17(a)(4)(A), and Section 260.103.3 is proposed to be repealed.

#### Section 260.101

Section 260.101 addresses the exemption from qualification of securities issued by nonadmitted insurance companies. Specifically, this section provides that nonadmitted insurance companies that do not meet certain security holder or asset tests contained in Section 12(g)(1)(B) of the Exchange Act are not exempted from registration by Section 12(g)(2)(G) of the Exchange Act within the meaning of Section 25101(b) of the Code, and their securities are ineligible for exemption pursuant to Section 25101(b) of the Code from the provisions of Section 25130 of the Code. Prior to August 27, 1997, Section 25101(b) of the Code (“Former 25101(b)”) exempted from the provisions of Section 25130 of the Code securities issued by, among others, any person who was an issuer of any security registered under Section 12(g) of the Exchange Act or exempt from registration under Section 12 thereof by Section 12(g)(2)(G) of the Exchange Act, or any person that was registered under the Investment Company Act of 1940, subject to certain filing obligations. Effective August 27, 1997, the provisions constituting Former Section 25101(b) were deleted from the Code. (Chapter 391, Section 7, Statutes 1997.) As part of these amendments, a revised version of former Section 25101(c) of the Code that addresses the circumstances under which certain securities issued by a person that is an issuer of a security listed on a national securities exchange, or on the National Market System of the Nasdaq Stock Market (or any successor to that entity), would not be exempt from the provisions of Section 25130 of the Code, was renumbered as Section 25101(b) of the Code. As a result of the 1997 amendments to Section 25101 of the Code, Section 260.101 has been rendered meaningless and proposed to be deleted in its entirety.

#### Section 260.165

Section 260.165 sets forth the form of consent to service of process. The form includes a form of notarial acknowledgment. California Assembly Bill 886 Chapter 399, Statutes of 2007 was signed into law and makes several significant changes in current notarial law, including the amendment of California Civil Code Sec-

tions 1185 and 1189 as described below. Effective January 1, 2008, Section 1185 of the California Civil Code was amended to provide that the identity of the person making an acknowledgment may no longer be established by personal knowledge alone and instead must be established by specified documents or a credible witness who is personally known to the notary public and proves their identity by specified documents. The certificate of acknowledgment is now executed under penalty of perjury and must be in the form set forth in California Civil Code Section 1189. Accordingly, the “Acknowledgment” section of Section 260.165 is proposed to be amended to conform to current law.

#### Section 260.210

Section 260.210(a) relating to agent procedures for broker-dealers refers to “the Uniform Application for Securities Industry Registration and Transfer Form (Revised 11/97) (‘Form U-4’).” Pursuant to SEC Release No. 34-48161, July 10, 2003, effective July 14, 2003, as amended by SEC Release No. 34-48161A, July 16, 2003, effective July 14, 2003, the SEC changed the title of the Uniform Application for Securities Industry Registration or Transfer Form from “U-4” to “U4” (“Form U4”). The correct title of Form U4 is the “Uniform Application for Securities Industry Registration **or** Transfer Form” (bold and underline added). In addition, in 2003, Section 25612.3 was added to the Code to mandate the use of Form U4. Accordingly, the reference to “the Uniform Application for Securities Industry Registration and Transfer Form (Revised 11/97) (‘Form U-4’)” in Section 260.210(a) is proposed to be restated as “the Uniform Application for Securities Industry Registration or Transfer Form (‘Form U4’).” In addition, the references to “Form U-4” appearing elsewhere in Section 260.210 and in Sections 260.236.1 and 260.241.3 are proposed to be restated as “Form U4”. In addition, Section 260.210(a) contains a reference to Section 260.141.1, which was repealed effective April 6, 2008. Accordingly, the reference to “Section 260.141.1” appearing in Section 260.210(a) is proposed to be deleted.

Section 260.210(b)(4) refers to “the Uniform Termination Notice for Securities Industry Registration Form (Revised 11/97) (‘Form U-5’).” Pursuant to SEC Release No. 34-48161, July 10, 2003, effective July 14, 2003, as amended by SEC Release No. 34-48161A, July 16, 2003, effective July 14, 2003, the SEC changed the title of the Uniform Termination Notice for Securities Industry Registration Form from “U-5” to “U5” (“Form U5”). In addition, in 2003 Section 25612.3 was added to the Code to mandate the use of Form U5. Accordingly, the reference to “the Uniform Termination Notice for Securities Industry Registration Form (Revised 11/97) (‘Form U-5’)” in Section 260.210(b)(4) is

proposed to be restated as “the Uniform Termination Notice for Securities Industry Registration Form (‘Form U5’). In addition, the references to “Form U-5” appearing elsewhere in Section 260.210 and in Section 260.236.1 should be restated as “Form U5”.

#### Section 260.211

Sections 260.211(a)(1)(A) and 260.211(b)(1)(B)5 refer to “Customer Authorization of Disclosure of Financial Records (Form QR 500.261 (1/00)”. The State of California Department of Corporations Customer Authorization of Disclosure of Financial Records form is contained in Section 260.231(i). Accordingly, the references to “Customer Authorization of Disclosure of Financial Records (Form QR 500.261 (1/00)” in Sections 260.211(a)(1)(A) and 260.211(b)(1)(B)5 is proposed to be restated as “Customer Authorization of Disclosure of Financial Records in Section 260.231(i) of these rules”.

#### Section 260.230.1

Section 260.230.1(a) relating to notice filing requirements of registered investment advisors and Section 260.240(a) relating to consent to service of process each refer to “Form ADV (Uniform Application for Investment Adviser Registration), as amended by Securities and Exchange Commission Release No. IA-1916, 34-43758 (December 21, 2000), effective January 1, 2001”. Effective April 7, 2006, the SEC adopted technical amendments to Form ADV. In addition, in 2003, Section 25612.3 was added to the Code to mandate the use of Form ADV. Accordingly, the references to “Form ADV (Uniform Application for Investment Adviser Registration), as amended by Securities and Exchange Commission Release No. IA-1916, 34-43758 (December 21, 2000), effective January 1, 2001” in Sections 260.230.1(a) and 260.240(a) are proposed to be restated as “Form ADV (Uniform Application for Investment Adviser Registration).

#### Section 260.236

Section 260.236(c)(3)(A) relating to qualifications of investment advisers and investment adviser representatives refers to the “Association for Investment Management and Research” and Section 260.236(c)(3)(D) refers to the “Investment Counsel Association of America”. On April 19, 2005, the Investment Counsel Association of America changed its name to the “Investment Adviser Association”. Accordingly, the references to “Association for Investment Management and Research” in Section 260.236(c)(3)(A) is proposed to be restated as “CFA Institute”. In addition, the references to “Investment Counsel Association of America” in Section 260.236(c)(3)(D) is proposed to be restated as “Investment Adviser Association”.

#### Section 260.237.1

Pursuant to its terms, Section 260.237.1 became inoperative effective January 1, 2005. Therefore, Section 260.237.1 is proposed to be deleted in its entirety. In addition, the introductory sentence of Section 260.237.2 is proposed to be eliminated and the reference to Section 260.237.1 in 260.241.3(a)(6) is proposed to be deleted.

#### Section 260.240

Section 260.240(b) relating to consent to service of process refers to “Form BD (Uniform Application for Broker-Dealer Registration), as amended by Securities and Exchange Commission Release No. 41594 (July 2, 1999), effective July 30, 1999”. Effective April 23, 2007, the SEC adopted technical amendments to Form BD, the uniform broker-dealer registration form pursuant to SEC Release No. 34-55643, dated April 19, 2007. In addition, in 2003, Section 25612.3 was added to the Code to mandate the use of Form BD. Accordingly, the reference to “Form BD (Uniform Application for Broker-Dealer Registration), as amended by Securities and Exchange Commission Release No. 41594 (July 2, 1999), effective July 30, 1999” in Section 260.240(b) is proposed to be restated as “Form BD (Uniform Application for Broker-Dealer Registration).”

### AUTHORITY

Sections 25102, 25165, 25211, 25230, 25230.1, 25231, 25236(a), 25237, 25240, 25241, 25610, and 25612.5, Corporations Code.

### REFERENCE

Sections 1189, 1633.7, 1798.17, Civil Code; Section 17520, Family Code; Sections 25004, 25017, 25101, 25102, 25103, 25165, 25210, 25211, 25213, 25213.3, 25216, 25217, 25230, 25230.1, 25231, 25236, 25237, 25240, 25241, 25510, 25608, 25608.1(d), 25608(p), 25612.3, 25612.5, 25613, and 25620, Corporations Code; and Section 11077.1, Penal Code.

### AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the

foregoing proposal substantially as set forth above without further notice.

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document PRO 18/08–B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document PRO 18/08–C. These documents are also available at the Department’s website at [www.corp.ca.gov](http://www.corp.ca.gov). As required by the Administrative Procedure Act, the Office of Legislation and Policy maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Corporations, Office of Legislation and Policy, 1515 K Street, Suite 200, Sacramento, California 95814.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### FISCAL IMPACT

- Cost or savings to any state agency: none.
- Direct or indirect costs or savings in federal funding to the state: none.
- Cost to local agencies and school districts required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: none.

- Other nondiscretionary costs/savings imposed on local agencies: none.
- Costs to private persons or businesses directly affected: insignificant or none.

#### DETERMINATIONS

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not affect small businesses.
- Does not impose a mandate on local agencies or school districts, or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations will not affect small business. The amendments to the rules are clean-up.

#### CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to Karen Fong at (916) 322–3553. The backup contact person is Tanya Bosch at (916) 322–3553. Inquiries regarding the substance of the proposed regulation may be directed to Colleen Monahan, Deputy Commissioner at (916) 322–3553.

## TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the California Department of Corrections and Rehabilitation, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The California Department of Corrections and Rehabilitation proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment amends the following health care positions accordingly to represent California Prison Health Care Services newly created program areas and makes other technical changes to reflect the current organizational structure of the Department: Staff Services Managers I and above in all program areas, Staff Services Analysts and Associate Governmental Program Analysts in the Procurement and Contracts & Invoice Processing Unit. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than April 27, 2009, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interest person or the person's representative requests a public hearing, he or she must do so no later than April 12, 2009 by contacting the Contact Person set forth below.

The California Prison Health Care Services has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The California Prison Health Services has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.

3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, business or small businesses.

In making these proposed amendments, the California Department of Corrections and Rehabilitation must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons that the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Nancy Whitham  
P. O. Box 4038, Suite 350  
Sacramento, CA 95814  
(916) 323-1146  
Nancy.Whitham@cdcr.ca.gov

## TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and the rulemaking authority granted by Penal Code (PC) Section 5058 in order to implement, interpret, and make specific PC Section 5054, proposes to adopt Section 3341.5(b) in the California Code of Regulations (CCR), Title 15, concerning placement of inmates with diagnosed psychiatric disorders.

### PUBLIC COMMENT PERIOD

The public comment period will close April 29, 2009, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

## PUBLIC HEARING

No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period.

## CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883, Sacramento, CA 94283-0001  
Telephone (916) 255-5500**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**G. Long  
Regulation and Policy Management Branch  
Telephone (916) 255-5590**

Questions regarding the substance of the proposed regulatory action should be directed to:

**S. Peck  
Division of Adult Institutions  
Telephone (916) 324-6808**

## LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

## FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

## EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

## COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

## EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

## ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

## CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

## AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon re-

quest directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

- This action amends text to define the function of the Psychiatric Services Unit.

- This action will correctly ensure these provisions provide the Department with the authority and direction to set forth mental health standards for the proper housing of inmates with diagnosed psychiatric disorders.

#### TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as the "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at **Embassy Suites San Francisco Airport, 150 Anza Boulevard, Burlingame, California 94010 at 9:00 a.m., on May 8, 2009**. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office **not later than 5:00 p.m. on April 27, 2009** or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 of the Business and Professions Code, and to implement, interpret or make specific Section 2190 of said Code, the Board is considering changes to Article 11 of Chapter 1 of Division 13 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1338: Modification to Continuing Medical Education Audit

Business and Professions Code Section 2190 authorizes the Board to adopt and administer standards for the continuing education of its licensees. Existing regulations provide direction to the Board to audit once each year a random sample of physicians who have reported compliance with the continuing education requirement.

This proposal would allow the Board to perform the audit in twelve equal batches throughout the year to make the workload manageable, predictable and consistent.

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Minor Savings. The Medical Board will save some funding as the workload can be accomplished with existing resources and no overtime will be used.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

## AND

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. This proposed change will only affect the Board's internal procedures related to how it performs the CME audit. It will not change how licensees renew their licenses or verify the completion of continuing education requirements.

## CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the information upon which the proposal is based may be obtained from the person designated in the Notice under Contact Person or by accessing the Board's website: [http://www.medbd.ca.gov/laws/regulations\\_proposed.html](http://www.medbd.ca.gov/laws/regulations_proposed.html).

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: [http://www.medbd.ca.gov/laws/regulations\\_proposed.html](http://www.medbd.ca.gov/laws/regulations_proposed.html).

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Board's website: [http://www.medbd.ca.gov/laws/regulations\\_proposed.html](http://www.medbd.ca.gov/laws/regulations_proposed.html).

## CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ian K. McGlone  
 Address: 2005 Evergreen Street,  
 Suite 1200  
 Sacramento, CA 95816  
 Telephone No.: (916) 263-0920  
 Fax No.: (916) 274-6181  
 E-Mail Address: imcglone@mbc.ca.gov

The backup contact person is:

Name: Kevin A. Schunke  
 Address: 2005 Evergreen Street,  
 Suite 1200  
 Sacramento, CA 95816  
 Telephone No.: (916) 263-2368  
 Fax No.: (916) 263-2387  
 E-Mail Address: kschunke@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at [http://www.medbd.ca.gov/laws/regulations\\_proposed.html](http://www.medbd.ca.gov/laws/regulations_proposed.html).

## TITLE 18. STATE BOARD OF EQUALIZATION

### NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposed regulatory changes to Sales and Use Tax Regulation 1668 Sales *for Resale*, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, on Wednesday May 27, 2009. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by Wednesday, May 27, 2009.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

**CURRENT LAW:** Regulation 1668, *Resale Certificates*, implements Revenue and Taxation Code sections 6091 and 6241, which presume that all sales are retail sales until the seller proves the contrary. The seller can overcome this presumption by taking from the purchaser a resale certificate as provided in Regulation 1668. A document is regarded as a resale certificate if it contains all the essential elements specified in 1668(b)(1). When the seller takes a timely resale certificate in good faith from a person who holds a valid California seller's per-

mit, the seller is relieved from liability for sales tax and the duty of collecting use tax. If the purchaser thereafter uses the property rather than reselling it, the Board looks to the purchaser for payment of any tax due. If a purchaser who gives a resale certificate for property makes any storage or use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the tax must be reported and paid by the purchaser. Subdivision (b)(4) of Regulation 1668, which explains the use of a qualified resale certificate, provides that if a purchaser wishes to designate on each purchase order whether the property being purchased is for resale, the seller should obtain a resale certificate that states "see purchase order" in the space provided for a description of the property to be purchased. Each purchase order must then specify whether the property covered by the order is purchased for resale or subject to tax. If each purchase order does not so specify, or is not issued timely, it will be assumed that the property covered by that purchase order was not purchased for resale, and the sale or purchase is subject to tax. If the purchase order is issued for property some of which is to be resold and some to be used, the purchase order must specify which items are purchased for resale and which items are not purchased for resale. In order to support a sale for resale, a seller must retain the purchase order in conjunction with the original qualified resale certificate.

The proposed regulatory changes amend subdivision (b)(4) of Regulation 1668 to provide that the acceptable resale designation on a purchase order is not limited to the phrase "for resale" and may include comparable terminology, such as "resale = yes," "nontaxable," "taxable = no," or similar terminology on a purchase order, indicating that tax or tax reimbursement should not be added to the sales invoice and will be regarded as designating that the property described is purchased for resale provided the combination of the purchase order and the qualified resale certificate contains all the essential elements provided in subdivision (b)(1). The proposed regulatory changes also provide that a purchase order where the applicable amount of tax is shown as \$0 or is left blank will not be accepted as designating that the property is purchased for resale, unless the purchase order also includes the phrase "for resale" or other terminology described above to specify that the property is purchased for resale.

The proposed revisions will prevent confusion by allowing the seller to accept a purchase order combined with a qualified resale certificate without limiting the designation on the purchase order to the phrase "for resale". Incorporating this policy in the regulation will help to avoid disputes between the purchaser and the seller. This will limit the purchaser's ability to claim, later, that the purchase was not intended as a purchase

for resale when the purchaser issues a qualified resale certificate and a purchase order that indicates the purchase of that item is not subject to tax. Thereafter, the purchaser will become liable for the tax should the property be used in a taxable manner.

Board staff met with interested parties on November 25, 2008, to discuss the proposed revisions to the regulation and, incorporated revisions suggested by the interested parties into the proposed regulations. On February 3, 2009, the Business Taxes Committee of the State Board of Equalization voted to approve and authorize for publication the proposed regulatory amendments.

#### **COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS**

The State Board of Equalization has determined that the proposed regulation does not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed regulation will result in no direct or indirect cost or savings to any State agency, any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary cost or savings imposed on local agencies, or cost or savings in Federal funding to the State of California.

#### **EFFECT ON BUSINESS**

Pursuant to Government Code section 11346.5(a)(7), the Board of Equalization makes an initial determination that the proposed regulatory changes to Sales and Use Tax Regulation 1705 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The regulation as proposed will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulation may affect small business.

#### **COST IMPACT ON PRIVATE PERSON OR BUSINESSES**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **SIGNIFICANT EFFECT ON HOUSING COSTS**

No significant effect.

#### **FEDERAL REGULATIONS**

Proposed Regulation 1668 Sales *for Resale*, has no comparable federal regulations.

#### **AUTHORITY**

Sections 6596 and 7051, Revenue and Taxation Code.

#### **REFERENCE**

Sections 6091 and 6241 ,Revenue and Taxation Code.

#### **CONTACT**

Questions regarding the substance of the proposed regulation should be directed to Ms. Lisa Andrews (916) 322-5989, at 450 N Street, Sacramento, CA 95814, e-mail [Lisa.Andrews@boe.ca.gov](mailto:Lisa.Andrews@boe.ca.gov) or by mail at State Board of Equalization, Attn: Lisa Andrews, MIC:50, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0050.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, telephone (916) 445-2130, fax (916) 324-3984, e-mail [Richard.Bennion@boe.ca.gov](mailto:Richard.Bennion@boe.ca.gov) or by mail at State Board of Equalization, Attn: Rick Bennion MIC:81, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

#### **ALTERNATIVES CONSIDERED**

The Board must determine that no reasonable alternative considered by it or that has been otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective as and less burdensome to affected private persons than the proposed action.

#### **AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION**

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the

proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The Rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's web site <http://www.boe.ca.gov>.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

#### ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may in accordance with law adopt the proposed regulation if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Mr. Bennion. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —  
Public Interest Notice  
For Publication March 13, 2009  
PROPOSED RECOVERY ACTIONS FOR  
A FULLY PROTECTED SPECIES  
Recovery actions for California Black Rail  
in the Sierra Nevada Foothills  
(*Laterallus jamaicensis coturniculus*)**

The Department has received a proposal from Kevin Crouch to conduct California Black Rail (CA BLRA)

call-broadcast surveys in Sierra Nevada foothills. Previous records indicate the presence of the CA BLRA in Yuba, Nevada, Butte, and Placer counties, however, its current status and distribution for the rest of the Sierra Nevada foothills is unknown. Within the Sierra foothills, there is a lack of research south of the above listed counties leading to no occurrences in this region. Wetland habitat in the Sierra is continually being removed or altered. Therefore, there is a need to determine whether future project sites could be habitat for the California black rail. In addition to determining whether this species is present at a project site, surveys will provide presence/absence data for areas of the Sierra Nevada that lack black rail occurrences.

Completion of the following survey objectives will enhance the ability of local and statewide wildlife managers to monitor the status of CA BLRA and plan towards achieving recovery goals for the species:

- 1) CA BLRA will be included during biological reconnaissance surveys for special-status species on future project sites in the Sierra Nevada foothills.
- 2) Once a proposed project site is determined to have suitable habitat (cattails, blackberry and/or bulrushes), survey points will be plotted every 250 feet (depending watercourse features) within the survey area.
- 3) Habitat will be characterized using *A Manual of California Vegetation* (Sawyer and Keeler-wolf, 1995) in the location and immediate area where the playbacks were conducted, whether or not a response was heard.
- 4) In addition habitat characterization, vegetation occurring in the area of the playbacks will be listed with their dominance class. Other features of the habitat will be recorded including percent of open water, distance to nearest water, vegetation height, and additional wildlife species in the vicinity.
- 5) Positive CA BLRA responses will be recorded in the California Natural Diversity Database. All data positive or negative collected during surveys will be compiled and provided to CDFG at year end with Scientific Collecting Permit Species Captured or Salvaged Log.

Call-broadcast survey protocols will be conducted using the standard passive call-back/response protocol (Spautz et al., 2005). Playback sequences include: an initial one minute listening period, 30 seconds of "ki-ki-ker" calls, 30 seconds of listening silence, 30 seconds of "grr" calls, 30 seconds of listening silence, 30 seconds of "ki-ki-ker", 30 seconds of listening silence, 30 seconds of "grr" calls, and a final three minutes of listening silence. The total sequence time will be seven minutes long. Calls will be played using an mp3 player

and a small speaker unit. Call volume will be limited to 200 feet from the surveyor.

The CA BLRA is a State Fully Protected bird and a State-listed Threatened species. The applicant and any assistants are required to have a Scientific Collecting Permit (SCP) and additional special authorization from the Department for research on Fully Protected species.

Pursuant to California Fish and Game Code (FGC) Section 5050, the Department may authorize take of Fully Protected birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected birds, it would issue the authorization on or after April 13, 2009. Contact: Wildlife Branch, 1812 Ninth Street, Sacramento, CA 95811, Attn.: Dale Steele.

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

### NOTICE OF INTENT TO LIST 4-METHYLMIDAZOLE March 13, 2009

A chemical may be listed under the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as Proposition 65, codified at Health and Safety Code section 25249.5 et seq.) when a body considered to be authoritative by the state's qualified experts has formally identified the chemical as causing cancer or reproductive toxicity. The following entities are identified as authoritative bodies for this purpose: the U.S. Environmental Protection Agency, the International Agency for Research on Cancer, the U.S. Food and Drug Administration, the National Institute for Occupational Safety and Health, and the National Toxicology Program.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency intends to list the chemical, *4-Methylimidazole* (CAS No. 822-36-6) as known to the State to cause cancer, pursuant to this administrative mechanism as provided in Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306 (formerly Title 22, Cal. Code of Regs., section 12306).

Relevant information related to the possible listing of *4-Methylimidazole* was requested in a notice published in the *California Regulatory Notice Register* on January 25, 2008 (Register 2008, No. 4-Z). OEHHA received and responded to public comments.

**OEHHA has determined that *4-Methylimidazole* meets the criteria for listing under Title 27, Cal. Code of Regs., section 25306, based on the findings of the National Toxicology Program (NTP, 2007).** OEHHA is therefore issuing this notice of intent to list this chemical under Proposition 65. A document providing more detail on the basis for the listing of *4-Methylimidazole* can be obtained from the OEHHA Web site at: <http://www.oehha.ca.gov/prop65.html> or by calling (916) 445-6900.

Comments as to whether *4-Methylimidazole* meets the criteria for listing provided in Title 27, Cal. Code of Regs., section 25306, along with any supporting documentation, are requested, but not required, to be transmitted via email addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov) or may be sent to:

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Street Address: 1001 I Street  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900

**In order to be considered, comments must be received at OEHHA by 5:00 p.m. on Monday, April 13, 2009.**

### REFERENCE

National Toxicology Program (NTP, 2007). Toxicology and Carcinogenesis Studies of *4-Methylimidazole* (CAS No. 822-36-6) in F344/N Rats and B6C3F<sub>1</sub> Mice (Feed Studies). NTP Technical Report Series No. 535. NIH Publication No. 07-4471. U.S. Department of Health and Human Services, NTP, Research Triangle Park, NC.

# OAL REGULATORY DETERMINATION

## OFFICE OF ADMINISTRATIVE LAW

### DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Summary Disposition)

(Pursuant to Government Code  
Section 11340.5 and  
Title 1, section 270, of the  
California Code of Regulations)

## DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: March 2, 2009  
To: Matthew Powell  
From: Chapter Two Compliance Unit  
Subject: **2009 OAL DETERMINATION NO. 1(S)**  
**(CTU2009-0112-01)**  
(Summary Disposition issued pursuant to  
Gov. Code, sec. 11340.5; Cal. Code Regs.,  
tit. 1, sec. 270(f))  
Petition Challenging Operational Procedure  
806, Dealing with Inmate Property, as an  
Underground Regulation

On January 12, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether Operational Procedure 806, Inmate Property, issued by California State Prison, Corcoran constitutes an underground regulation. Operational Procedure 806 is dated March 2008 and deals with a variety of inmate property issues. You specifically challenge a provision permitting the temporary removal of entertainment appliances after a finding of “guilty” on any Rules Violation Report.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not adopted pursuant

<sup>1</sup> “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

to the Administrative Procedure Act (APA).<sup>2</sup> Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4<sup>th</sup> 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition applies solely to the inmates of California State Prison, Corcoran. Operational Procedure 806 was issued by Derral G. Adams, the Warden of California State Prison, Corcoran. Inmates housed at other institutions are controlled by those other institutions’ rules dealing with entertainment appliances. The rule you challenge was issued by the California State Prison, Corcoran, and applies only

<sup>2</sup> Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

to inmates at the California State Prison, Corcoran. Therefore, the rule is a "local rule" and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1).<sup>3</sup>

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

Susan Lapsley  
Director

/s/

Kathleen Eddy  
Senior Staff Counsel

Copy: Matthew Cate  
John McClure

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916)

<sup>3</sup> The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) **An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.**

(Emphasis added.)

653–7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009–0219–02

BOARD OF BARBERING AND COSMETOLOGY

Barbering and Cosmetology Instructors Fees

This change without regulatory effect amends Title 16 section 998. Senate Bill 362 of 2003 repealed Business and Professions Code section 7423.5 that had given the Board the ability to license and collect fees for barbering and cosmetology instructors. The portions of section 998 referring to the fees and licenses of instructors are being removed.

Title 16

California Code of Regulations

AMEND: 998

Filed 03/04/2009

Agency Contact: Kevin Flanagan (916) 575–7104

File# 2009–0219–01

BOARD OF BARBERING AND COSMETOLOGY

Cosmetology Curriculum

This change without regulatory effect amends Title 16 section 950.2. BBC is making non-substantive changes so this regulation is consistent with their other regulations. The changes are made to correspond to changes made in file #2008–1231–02SR as recommended by OAL.

Title 16

California Code of Regulations

AMEND: 950.2

Filed 03/04/2009

Agency Contact: Kevin Flanagan (916) 575–7104

File# 2009–0115–02

BOARD OF CHIROPRACTIC EXAMINERS

Chiropractic Quality Review Panels

Board of Chiropractic Examiners proposes repeal of section 306.1 and amendment of section 305 of title 16 of the California Code of Regulations to eliminate the use of three-member chiropractic quality review panels, composed of three licensed chiropractors, required by these sections in all 58 California counties. The affected sections provided limited authority for the three-member quality review panels to review complaints against chiropractors referred to them by the Board and to make specified recommendations for disciplinary action to the Board. The Board has not used the quality review panels since adoption of the affected sections due to the cost of implementing the panels and the inability to adequately protect consumers due to the limited authority of the panels.

Title 16  
California Code of Regulations  
AMEND: 305 REPEAL: 306.1  
Filed 03/03/2009  
Effective 04/02/2009  
Agency Contact: April Alameda (916) 263-5329

**File# 2009-0120-02**  
**BOARD OF CHIROPRACTIC EXAMINERS**  
**Letter of Admonishment**

This rulemaking adopts Title 16 section 389 to provide the Board of Chiropractic Examiners an informal method of enforcement for minor violations that do not rise to the level of citation or accusation. This adoption establishes the Board's ability to send a letter of admonishment. The letter of admonishment may also contain an order of abatement.

Title 16  
California Code of Regulations  
ADOPT: 389  
Filed 03/04/2009  
Effective 04/03/2009  
Agency Contact: April Alameda (916) 263-5329

**File# 2009-0109-01**  
**BOARD OF FORESTRY AND FIRE PROTECTION**  
**Form Date Change, 2009**

This Change without Regulatory Effect changes the form revision date references to three timber harvesting forms in sections 1038 and 1052 to reflect various non-substantive changes made to those forms.

Title 14  
California Code of Regulations  
AMEND: 1038, 1052  
Filed 02/25/2009  
Agency Contact:  
Christopher Zimny (916) 653-9418

**File# 2009-0116-07**  
**BOARD OF OCCUPATIONAL THERAPY**  
**Supervision Parameters**

This regulatory action revises the supervision parameters for occupational therapists to allow the supervisor's weekly review to be completed by telecommunication as well as onsite, and to specify the method of documentation of the supervision.

Title 16  
California Code of Regulations  
AMEND: 4181  
Filed 03/04/2009  
Effective 04/03/2009  
Agency Contact: James Schenk (916) 263-2249

File# 2009-0121-03  
CALIFORNIA HORSE RACING BOARD  
Operation of an Advance Deposit Wagering Account for all Entities

The California Horse Racing Board (Board) amends Title 4 of the California Code of Regulations, section 2073. Specifically, the Board is removing subsection (m). Currently subsection (m) limits advance deposit wagering customers to access to only one deposit each racing day for wagering purposes.

Title 4  
California Code of Regulations  
AMEND: 2073  
Filed 03/04/2009  
Effective 04/03/2009  
Agency Contact: Harold Coburn (916) 263-6397

**File# 2009-0116-02**  
**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**  
**Professional Certificates and Certificate Replacement**

This action corrects the language that describes the professional experience necessary to qualify for supervisory, management and executive certificates and eliminates a minor provision concerning the numbering of replacement certificates.

Title 11  
California Code of Regulations  
AMEND: 9070, 9077  
Filed 03/03/2009  
Effective 04/02/2009  
Agency Contact: Leah Cherry (916) 227-3891

**File# 2009-0116-04**  
**DEPARTMENT OF CONSERVATION**  
**Signature Definition and Electronic Reporting**

This action amends existing regulations implementing the California Beverage Container Recycling and Litter Reduction Act by permitting electronic reporting and use of electronic signatures.

Title 14  
California Code of Regulations  
AMEND: 2000, 2090, 2516, 2530, 2620, 2630, 2660, 2670, 2720, 2730  
Filed 03/04/2009  
Effective 04/03/2009  
Agency Contact: Karen Denz (916) 322-1899

**File# 2009-0114-02**  
**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Modified Point of Origin Inspection Areas**

The Department of Food and Agriculture (Department) amends Title 3 of the California Code of Regula-

tions, section 850 regarding modified point-of-origin inspection areas for cattle in California. Modified point-of-origin inspection requires all cattle crossing out of a boundary to be inspected. The Department is not actually changing the modified point-of-origin inspection boundary, rather the changes to section 850 are to more accurately describe the boundary.

**Title 3**

California Code of Regulations

AMEND: 850

Filed 02/26/2009

Effective 03/28/2009

Agency Contact: Nancy Grillo (916) 263-2347

File# 2009-0217-01

**DEPARTMENT OF FOOD AND AGRICULTURE**

**Light Brown Apple Moth Interior Quarantine**

This proposed emergency amendment will expand the existing regulated area in the Monterey, San Mateo and Santa Clara counties by approximately 80 square miles as additional quarantine areas with respect to the light brown apple moth (LBAM; *Epiphyas postvittana*) pursuant to the finding of new pests.

**Title 3**

California Code of Regulations

AMEND: 3434(b)

Filed 02/27/2009

Effective 02/27/2009

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2009-0303-03

**DEPARTMENT OF FOOD AND AGRICULTURE**

**Asian Citrus Psyllid Interior Quarantine**

This emergency action readopts the current Asian Citrus Psyllid interior quarantine, combining the prior filings that have OAL file numbers 2008-0904-02 E; 2008-0915-01 E; and 2008-1029-02 E.

**Title 3**

California Code of Regulations

AMEND: 3435

Filed 03/04/2009

Effective 03/04/2009

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2009-0114-03

**DEPARTMENT OF INDUSTRIAL RELATIONS**

**Group Regulations**

This action makes extensive revisions to regulations governing group self insurers under the California workers' compensation system. This action is the re-submittal of previously withdrawn OAL rulemaking file number 2008-0829-05S.

**Title 8**

California Code of Regulations

ADOPT: 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, 15499.5 AMEND: 15201, 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, 15205, 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7

Filed 03/02/2009

Effective 03/02/2009

Agency Contact: James Ware (916) 574-0300

File# 2009-0113-01

**DEPARTMENT OF MOTOR VEHICLES**

**Driver Record Checks for CDL Applicants**

This action specifies the data systems that the department will utilize to check the driving record of an applicant for a commercial driver's license and for license renewal, and a standard of timeliness for responding to an inquiry from another jurisdiction concerning a commercial driver.

**Title 13**

California Code of Regulations

ADOPT: 29.00

Filed 02/26/2009

Effective 03/28/2009

Agency Contact: Randi Calkins (916) 657-8898

File# 2009-0115-01

**DEPARTMENT OF PUBLIC HEALTH**

**Safe Drinking Water State Revolving Fund**

This rulemaking amends Title 22 sections 63000.16-63055 of the California Code of Regulations to achieve consistency with statutory changes, to clarify program requirements and provisions and to increase availability of Safe Drinking Water State Revolving Fund program funds to finance projects needed by public water systems to comply with public health based standards.

**Title 22**

California Code of Regulations

ADOPT: 63000.48, 63051, 63052 AMEND: 63000.16, 63000.25, 63000.43, 63000.46, 63000.66, 63000.68, 63000.77, 63010, 63011, 63013, 63020, 63021, 63029, 63030, 63040, 63050, 63055 REPEAL: 63051

Filed 03/03/2009

Effective 04/02/2009

Agency Contact: Laurel Prior (916) 440-7673

File# 2009-0115-03

**DEPARTMENT OF VETERANS AFFAIRS**  
**Selection of Professional Service Firms**

This regulatory action establishes standards to be used by the Administrative Services Division within the Department of Veterans Affairs for the selection of professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms.

**Title 12**

California Code of Regulations

ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809

Filed 02/26/2009

Effective 03/28/2009

Agency Contact: Angela Willett (916) 651-3068

File# 2009-0116-01

**DIVISION OF WORKERS COMPENSATION**  
**Vocational Rehabilitation**

This action repeals the vocational rehabilitation claim procedures and related forms that are filed through the vocational rehabilitation unit in DIR. These sections comprise all of Article 7 of Subchapter 1.5, Chapter 4.5, Division 1, Title 8 of the CCR. The statutory authority (Labor Code section 139.5) for these regulations was repealed on January 1, 2009.

**Title 8**

California Code of Regulations

REPEAL: 10116.4, 10122, 10122.1, 10123, 10123.2, 10123.3, 10124, 10124.1, 10125, 10125.1, 10125.2, 10125.3, 10126, 10127, 10127.1, 10127.2, 10127.3, 10128, 10129, 10129.1, 10130, 10131, 10131.1, 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22

Filed 02/25/2009

Agency Contact: Destie Overpeck (510) 286-7100

File# 2009-0213-02

**FISH AND GAME COMMISSION**  
**Recreational Groundfish Fishing**

This rulemaking action makes changes to state recreational groundfish fishing regulations to bring state law into conformance with federal rules for groundfish and other federally-managed species. The proposed changes would affect the 2009 and 2010 fishing seasons.

**Title 14**

California Code of Regulations

ADOPT: 27.32 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58

Filed 03/03/2009

Effective 03/03/2009

Agency Contact:

Sherrie Fonbuena

(916) 654-9866

File# 2009-0218-05

**MANAGED RISK MEDICAL INSURANCE BOARD**

**Community Provider Plan Designation Process**

This emergency regulatory action revises the process for the designation of the community provider plan in each county for the Healthy Families Program.

**Title 10**

California Code of Regulations

AMEND: 2699.6805

Filed 02/26/2009

Effective 02/26/2009

Agency Contact: Dianne Knox

(916) 324-0592

File# 2009-0209-06

**MEDICAL BOARD OF CALIFORNIA**  
**Reduction in License Fees**

Sen. Bill No. 231 (2005-2006 Reg. Sess.) set the initial and biennial renewal fee at \$790 for physicians and surgeons. It also required the adjustment of the fees if the diversion program were to be discontinued. Bus. & Prof. Code section 2435.2 states that if the diversion program is discontinued, the initial license and biennial renewal fees shall be reduced by an amount "equal [to] the board's cost of operating the diversion program." The diversion program was discontinued as of July 1, 2008. This proposed rulemaking reduces the initial license fee (and biennial renewal fee) to be paid by physicians and surgeons by \$22.00. The new fee is \$783 [\$805 (the current fee) minus \$22 (pro rata share of the cost of the diversion program)]. This reduction is based upon the diversion budget divided by the number of projected licensees (rounded up).

**Title 16**

California Code of Regulations

AMEND: 1351.5, 1352

Filed 03/04/2009

Effective 04/03/2009

Agency Contact:

Kevin A. Schunke

(916) 263-2368

File# 2009-0122-02  
OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD  
Replace Graphics

This is a nonsubstantive file which contains newly redrawn graphics to enhance clarity and readability.

Title 8  
California Code of Regulations  
AMEND: 3209, 3299, 4885, 5049, 5085, 5152, 5193, 5207, 5215, 5297, 5299, 5302, 5304, 5449, 6402, 6503, 6600  
Filed 03/02/2009  
Agency Contact: Marley Hart (916) 274-5721

File# 2009-0116-06  
OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD  
Mechanical Refrigeration

This regulatory action deals with mechanical refrigeration systems and the application of chapters 2 and 11 of the 1997 Uniform Mechanical Code (UMC), incorporated by reference, to systems placed in service on or after March 13, 1999, but before January 1, 2008, and the application of chapters 2 and 11 of the 2007 California Mechanical Code (CMC), incorporated by reference, to systems placed in service on or after January 1, 2008. This action also informs the public where to locate a copy of chapters 4, 15 and 16 of the 1982 UMC.

Title 8  
California Code of Regulations  
AMEND: 3248  
Filed 03/04/2009  
Effective 04/03/2009  
Agency Contact: Marley Hart (916) 274-5721

File# 2009-0114-01  
OFFICE OF SPILL PREVENTION AND RESPONSE  
Certificates of Financial Responsibility

This change without regulatory effect amends application forms for Certificates of Financial Responsibility (COFR) required of all vessels and a marine facility owner or operator transporting oil or operating a marine facility which transfers oil to or from a vessel in California. These forms are incorporated by reference into section 791.7(a).

Title 14  
California Code of Regulations  
AMEND: 791.7(a), Form FG OSPR-1924, Form FG OSPR-1925, Form FG OSPR-1972  
Filed 03/02/2009  
Agency Contact:  
Joy D. Lavin-Jones (916) 327-0910

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN October 1, 2008 TO  
March 4, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

01/20/09 AMEND: 260  
01/20/09 AMEND: Appendix A, Std. Form 400

**Title 2**

02/17/09 AMEND: 51.3  
02/02/09 AMEND: 18402, 18450.3  
01/30/09 ADOPT: 18427.5  
01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401  
01/27/09 AMEND: 2294  
01/26/09 AMEND: 1859.104.1  
01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184  
01/12/09 AMEND: div. 8, ch. 24, secs. 45100, 45127, 45128  
01/08/09 ADOPT: 18420.1  
01/08/09 ADOPT: 18944.3 AMEND: 18944.1  
12/30/08 AMEND: 714  
12/29/08 ADOPT: 2298  
12/15/08 AMEND: 17463, 17470, 17519  
12/09/08 ADOPT: 25100  
12/08/08 AMEND: 1700  
11/03/08 AMEND: 647.1, 647.2, 647.3, 647.20, 647.20.1, 647.21, 647.22, 647.23, 647.24, 647.25, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.36, 648.1, 648.3, 648.5, 649.20, 649.21  
10/31/08 AMEND: 18545, 18703.4, 18730, 18940.2, 18942.1, 18943  
10/31/08 ADOPT: 18402.1 AMEND: 18427  
10/22/08 ADOPT: 59600  
10/21/08 ADOPT: 1859.41.1, 1859.42.1 AMEND: 1859.2, 1859.41, 1859.42, 1859.43, 1859.51, 1859.147, Form SAB 50-01, Form SAB 50-03  
10/20/08 ADOPT: 20120, 20121, 20122, 20123, 20124, 20125, 20126, 20127

**Title 3**

03/04/09 AMEND: 3435  
02/27/09 AMEND: 3434(b)

02/26/09	AMEND: 850	11/24/08	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101
02/19/09	AMEND: 3434(b)	11/17/08	AMEND: 1505
02/13/09	AMEND: 3406(b)	10/30/08	AMEND: 1606
02/10/09	AMEND: 3060.4(a)(1)(C)(1), 3652(k)	10/16/08	ADOPT: 12047, 12048, 12050, 12348 AMEND: 12002
02/05/09	AMEND: 3434(b)	10/03/08	ADOPT: 12008 AMEND: 12122, 12200.14, 12200.20, 12202, 12203A, 12203.2, 12205.1, 12218.13, 12220.14, 12220.20, 12220.20A, 12222, 12237, 12301, 12342, 12343, 12344, 12345
02/02/09	AMEND: 3406(b)		
01/21/09	ADOPT: 3591.22(a), 3591.22(b), 3591.22(c), 3591.22(d)	<b>Title 5</b>	
01/21/09	ADOPT: 3591.21(a), 3591.21(b), 3591.21(c)	02/17/09	AMEND: 80413, 80487
01/20/09	REPEAL: 3664, 3665, 3666, 3667, 3668, 3669	02/04/09	ADOPT: 9800, 9810, 9820, 9830
01/14/09	AMEND: 3434(b)	01/20/09	ADOPT: 9517.1
01/13/09	AMEND: 3434(b)	01/05/09	AMEND: 80004
01/12/09	AMEND: 3589(a)	12/09/08	ADOPT: 18131.1 AMEND: 18131
12/30/08	AMEND: 3417(b)	11/06/08	AMEND: 42723
12/18/08	AMEND: 3417(b)	10/17/08	ADOPT: 100000, 100001, 100002, 100003, 100004, 100005, 100006, 100007, 100008, 100009, 100010, 100011, 100012, 100013, 100014, 100015
12/18/08	AMEND: 3406(b)	10/14/08	ADOPT: 42729
12/16/08	AMEND: 1358(b)	<b>Title 8</b>	
12/12/08	AMEND: 3434(b)	03/04/09	AMEND: 3248
12/10/08	AMEND: 3589	03/02/09	ADOPT: 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, 15499.5 AMEND: 15201, 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, 15205, 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7
12/04/08	AMEND: 3435(b)	03/02/09	AMEND: 3209, 3299, 4885, 5049, 5085, 5152, 5193, 5207, 5215, 5297, 5299, 5302, 5304, 5449, 6402, 6503, 6600
11/26/08	AMEND: 3406(b)	02/25/09	REPEAL: 10116.4, 10122, 10122.1, 10123, 10123.2, 10123.3, 10124, 10124.1, 10125, 10125.1, 10125.2, 10125.3, 10126, 10127, 10127.1, 10127.2, 10127.3, 10128, 10129,
11/20/08	ADOPT: 6400		
11/12/08	AMEND: 3591.5(a)		
11/12/08	AMEND: 3434(b)		
11/07/08	AMEND: 3433(b)		
10/30/08	ADOPT: 1430.142 AMEND: 1430.43 REPEAL: 1430.44.5		
10/29/08	AMEND: 3435(b)		
10/28/08	ADOPT: 3408		
10/22/08	AMEND: 3700(c)		
10/20/08	AMEND: 3433(b)		
10/20/08	AMEND: 3434(b)		
10/17/08	AMEND: 3423(b)		
10/15/08	AMEND: 3433(b)		
10/14/08	AMEND: 3434(b)		
10/14/08	AMEND: 3423(b)		
10/01/08	AMEND: 3434(b)		
<b>Title 4</b>			
03/04/09	AMEND: 2073		
02/23/09	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101 REPEAL: 8102.10		
02/13/09	ADOPT: 12362		
02/11/09	ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078		
01/13/09	ADOPT: 4027, 4027.1, 4027.2, 4027.3, 4027.4, 4027.5		
12/29/08	AMEND: 12482		

	10129.1, 10130, 10131, 10131.1, 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22		10222, 10223, 10225, 10227, 10228, 10229, 10230, 10232, 10232.1, 10232.2, 10233, 10236, 10240, 10241, 10243, 10244, 10245, 10246, 10250, 10250.1, 10251, 10253, 10253.1, 10254, 10256, 10260, 10270, 10271, 10272, 10273, 10275, 10280, 10281, 10290, 10291, 10293, 10294, 10294.5, 10295, 10296, 10297 AMEND: 10252, 10252.1 REPEAL: 10250
02/18/09	AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354		
02/13/09	AMEND: 3336, 3650, 3653		
02/09/09	AMEND: 3231, 3277, Appendix B Following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, G following Section 3583	11/17/08	ADOPT: 10150.1, 10150.2, 10150.3, 10150.4, 10151, 10151.1, 10166.1 AMEND: 10150, 10160, 10160.1, 10160.5, 10161, 10161.1, 10162, 10164, 10165, 10166, 10167 REPEAL: 10168
01/29/09	AMEND: 4994	11/17/08	ADOPT: 10397, 10403, 10409, 10508, 10550, 10593, 10603, 10629, 10770.5, 10770.6, 10782, 10785, 10844, 10845 AMEND: 10301, 10302, 10324, 10346, 10400, 10410, 10411, 10412, 10450, 10500, 10505, 10507, 10510, 10541, 10561, 10589, 10608, 10616, 10626, 10750, 10751, 10753, 10754, 10755, 10770, 10779, 10840, 10842, 10843, 10846, 10848, 10850, 10860, 10865, 10866, 10946, 10950, 10953 REPEAL: 10306, 10308, 10347, 10390, 10391, 10392, 10395, 10396, 10414, 10415, 10416, 10417, 10514, 10520, 10548, 10555, 10563, 10590, 10591, 10592, 10610, 10630, 10758, 10762, 10771, 10867, 10890, 10952, 10955, 10957, 10995, 10996
01/28/09	AMEND: 4999		
01/20/09	AMEND: Appendix B following sections 1529, 5208, 8358		
01/15/09	AMEND: 2500.7		
01/13/09	ADOPT: 29, 31.1, 31.3, 31.7, 32.6, 36.5, 41.5, 41.6, 41.7, 63, 120, 121, 122, 123, 124 AMEND: 1, 10, 11, 11.5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 30, 30.5, 31, 31.5, 32, 33, 34, 35, 35.5, 36, 38, 39, 39.5, 40, 41, 43, 44, 45, 46, 46.1, 47, 49, 49.2, 49.4, 49.6, 49.8, 49.9, 50, 51, 52, 54, 55, 56, 57, 60, 61, 62, 65, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 116, 117, 118, 119, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159 REPEAL: 10.5, 32.5, 37, 53, 70, 71, 72, 73, 74, 75, 76, 76.5, 77, 101, 114, 115		
12/22/08	ADOPT: 16404, 16430, 16435.5 AMEND: 16421, 16422, 16423, 16424, 16425, 16426, 16427, 16428, 16429, 16431, 16432, 16434, 16435, 16436, 16437, 16439	11/12/08	AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611
12/02/08	AMEND: 2940.6, Appendix C	11/06/08	AMEND: 2540.8, 2540.9, 2548.23, 2719, 2740, 2741, 2880, 2980
12/01/08	AMEND: 5198(f)(2)(A)	10/01/08	AMEND: 3412, 3413, 3414, 3416
11/19/08	AMEND: 1658(p)	<b>Title 9</b>	
11/17/08	ADOPT: 10116, 10116.1, 10116.2, 10116.3, 10116.5, 10116.6, 10116.7, 10116.8 AMEND: 10123.1 renumbered to 10116.4, 10001 renumbered to 10116.9, 10002 renumbered to 10117, 10003 renumbered to 10118, 10004 renumbered to 10119, 10005 renumbered to 10120, 10123, 10127, 10127.1, 10128, 10133.13, 10133.14, 10133.16, 10133.22, 10133.53, 10133.54, 10133.55, 10133.56, 10133.57, 10133.58 REPEAL: 10133.3, 10133.50	02/06/09	ADOPT: 4000, 4005
		01/07/09	AMEND: 7400
		11/18/08	ADOPT: 9550
11/17/08	ADOPT: 10210, 10211, 10212, 10213, 10214, 10215, 10216, 10217, 10218,	<b>Title 10</b>	
		02/26/09	AMEND: 2699.6805
		02/23/09	AMEND: 2318.6, 2353.1
		02/23/09	AMEND: 2498.6
		02/19/09	AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119
		02/05/09	ADOPT: 2308.1, 2308.2, 2308.3
		01/15/09	AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809
		01/14/09	AMEND: 2698.100, 2698.200, 2698.201, 2698.206, 2698.300, 2698.301

01/12/09	AMEND: 2498.5	28.26, 28.27, 28.28, 28.29, 28.48, 28.49,	
12/31/08	ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55	28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58	
12/02/08	AMEND: 2652.1	03/02/09	AMEND: 791.7(a), Form FG
11/12/08	AMEND: 2498.4.9		OSPR-1924, Form FG OSPR-1925,
11/12/08	AMEND: 2498.4.9		Form FG OSPR-1972
11/07/08	AMEND: 2498.5	02/25/09	AMEND: 1038, 1052
11/03/08	AMEND: 2498.5	02/23/09	ADOPT: 749.4
<b>Title 11</b>		01/28/09	AMEND: 701
03/03/09	AMEND: 9070, 9077	01/13/09	AMEND: 300
02/18/09	REPEAL: 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327	01/12/09	ADOPT: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07, 4970.07.1, 4970.07.2, 4970.08, 4970.09, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.12, 4970.13, 4970.14, 4970.14.1, 4970.14.2, 4970.14.3, 4970.15, 4970.15.1, 4970.15.2, 4970.15.3, 4970.15.4, 4970.16, 4970.17, 4970.18, 4970.19, 4970.19.1, 4970.19.2, 4970.19.3, 4970.19.4, 4970.19.5, 4970.19.6, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24, 4970.25.1, 4970.25.2, 4970.25.3, 4970.26 REPEAL: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72
02/03/09	ADOPT: 64.7		
01/28/09	AMEND: 51.19		
12/31/08	AMEND: 1005(d)		
12/02/08	AMEND: 1005, 1007, 1008		
11/07/08	AMEND: 1005, 1081		
10/27/08	AMEND: 1005, 1007, 1008, 1052		
10/16/08	AMEND: 1081		
10/14/08	AMEND: 1005		
10/02/08	AMEND: 1003, 9040, 9041, 9073(b)		
10/02/08	AMEND: 1081		
<b>Title 12</b>			
02/26/09	ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809		
01/27/09	AMEND: 501		
01/12/09	AMEND: 503		
<b>Title 13</b>			
02/26/09	ADOPT: 29.00		
02/05/09	ADOPT: 20.05 AMEND: 20.04		
02/05/09	AMEND: 25.08		
01/20/09	AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2708, 2709, 2710	12/31/08	AMEND: 957 REPEAL: 957.11, 957.12
12/22/08	AMEND: 553.70	12/29/08	AMEND: 243, 245 REPEAL: 241
12/05/08	AMEND: 110.04	12/17/08	ADOPT: 1032 AMEND: 895, 895.1, 929.1, 949.1, 969.1, 1032.7, 1032.9, 1037.3, 1054.5, 1055.3, 1056.3, 1090.1, 1090.2, 1090.4, 1090.6, 1090.17, 1092.03, 1092.04, 1092.06, 1092.18, 1104.3 REPEAL: 1032
12/01/08	AMEND: 1956.8		
11/24/08	ADOPT: 2027		
11/03/08	AMEND: 25.06, 25.07, 25.08, 25.09, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22	12/11/08	AMEND: Division 5, Appendix M
10/20/08	ADOPT: 346.00, 346.02, 346.04, 346.06, 346.08, 346.10, 346.12, 346.14, 346.16	12/10/08	ADOPT: 120.1, 120.2 AMEND: 120, 120.3 REPEAL: 120.01
10/07/08	AMEND: 935	11/26/08	AMEND: 1257
10/02/08	AMEND: 423.00	11/24/08	AMEND: 749.3
10/02/08	AMEND: 15.00, 15.03	11/13/08	ADOPT: 18660.40
<b>Title 13, 17</b>		11/07/08	AMEND: 895.1, 919.9, 939.9
12/03/08	AMEND: 2299.3, 93118.3	11/07/08	AMEND: 1038(i)
10/20/08	ADOPT: 2299.5, 93118.5	11/07/08	AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963
<b>Title 14</b>			
03/04/09	AMEND: 2000, 2090, 2516, 2530, 2620, 2630, 2660, 2670, 2720, 2730		
03/03/09	ADOPT: 27.32 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51,	10/30/08	AMEND: 29.85
		10/23/08	AMEND: 163, 164

10/22/08 AMEND: 1052.4  
 10/21/08 AMEND: 15387 Appendix C  
 10/09/08 AMEND: 791, 791.7, 795

**Title 15**

02/05/09 ADOPT: 3077, 3077.1, 3077.2, 3077.3,  
 3077.4 AMEND: 3000, 3043.6, 3375  
 02/02/09 ADOPT: 1800, 1806, 1812, 1814, 1830,  
 1831, 1840, 1847, 1848, 1849, 1850,  
 1851, 1852, 1853, 1854, 1856, 1857,  
 1860, 1866, 1867, 1868, 1870, 1872,  
 1876, 1878, 1888, 1890, 1892  
 12/19/08 REPEAL: 4826, 4985  
 12/16/08 ADOPT: 3099  
 12/15/08 ADOPT: 3334 AMEND: 3000  
 12/11/08 AMEND: 3323  
 12/09/08 AMEND: 3000, 3001, 3041.3, 3075.3,  
 3294.5, 3356, 3369.5, 3370, 3376.1,  
 3382, 3383, 3393, 3401, 3402, 3405,  
 3406, 3407, 3408, 3410, 3411, 3414,  
 3430, 3432, 3433  
 11/26/08 ADOPT: 1700, 1706, 1712, 1714, 1730,  
 1731, 1740, 1747, 1747.5, 1748, 1749,  
 1750, 1751, 1752, 1753, 1754, 1756,  
 1757, 1760, 1766, 1767, 1768, 1770,  
 1772, 1776, 1778, 1788, 1790, 1792  
 10/30/08 AMEND: 3000, 3375, 3376.1, 3379  
 10/28/08 ADOPT: 3999.7  
 10/23/08 ADOPT: 1417 AMEND: 1029, 1206,  
 1248, 1357, 1358, 1461  
 10/15/08 ADOPT: 3999.6

**Title 16**

03/04/09 AMEND: 4181  
 03/04/09 AMEND: 1351.5, 1352  
 03/04/09 ADOPT: 389  
 03/04/09 AMEND: 998  
 03/04/09 AMEND: 950.2  
 03/03/09 AMEND: 305 REPEAL: 306.1  
 02/11/09 AMEND: 950.3  
 02/03/09 ADOPT: 2068.7  
 01/28/09 AMEND: 950.2  
 01/28/09 ADOPT: 1832.5  
 01/09/09 ADOPT: 2504.1, 2517.5, 2564.1, 2575.5  
 AMEND: 2537, 2540.6, 2590, 2592.6  
 12/30/08 AMEND: 1387  
 12/18/08 AMEND: 3340.28, 3340.29  
 12/17/08 AMEND: 4170  
 12/11/08 AMEND: 1336  
 12/09/08 AMEND: 1399.25 REPEAL: 1399.26  
 11/24/08 AMEND: 1419, 1419.1, 1419.3  
 10/30/08 AMEND: 1399.571  
 10/17/08 ADOPT: 1399.610, 1399.612 AMEND:  
 1399.502  
 10/07/08 AMEND: 832.47  
 10/02/08 AMEND: 3351.2

**Title 17**

02/03/09 ADOPT: 100701  
 01/29/09 ADOPT: 33060 AMEND: 33007, 33010,  
 33020, 33025, 33030, 33040  
 01/28/09 AMEND: 950.2  
 01/28/09 ADOPT: 1832.5  
 12/30/08 AMEND: 30195.1  
 12/26/08 ADOPT: 100501  
 12/02/08 ADOPT: 95100, 95101, 95102, 95103,  
 95104, 95105, 95106, 95107, 95108,  
 95109, 95110, 95111, 95112, 95113,  
 95114, 95115, 95125, 95130, 95131,  
 95132, 95133  
 10/30/08 AMEND: 100407, 100408

**Title 18**

02/05/09 AMEND: 1620  
 01/02/09 AMEND: 1702.5  
 12/01/08 AMEND: 1602.5  
 11/14/08 AMEND: 1591, 1602

**Title 19**

11/14/08 AMEND: 2900, 2910, 2915, 2920, 2930,  
 2940, 2945, 2950, 2955, 2960, 2965,  
 2966, 2970, 2980

**Title 21**

11/26/08 AMEND: 6633.2

**Title 22**

03/03/09 ADOPT: 63000.48, 63051, 63052  
 AMEND: 63000.16, 63000.25,  
 63000.43, 63000.46, 63000.66,  
 63000.68, 63000.77, 63010, 63011,  
 63013, 63020, 63021, 63029, 63030,  
 63040, 63050, 63055 REPEAL: 63051  
 02/04/09 ADOPT: 66260.201, 66260.202,  
 66273.7, 66273.33.5, 66273.41,  
 66273.70, 66273.71, 66273.72,  
 66273.73, 66273.74, 66273.75,  
 66273.76, and 66273.77 AMEND:  
 66260.10, 66260.23, 66261.4, 66261.9,  
 66261.50, appendix X of chapter 11,  
 66264.1, 66265.1, 66273.1, 66273.2,  
 66273.3, 66273.4, 66273.5, 66273.6,  
 66273.8, 66273.9, 66273.30, 66273.31,  
 66273.32, 66273.33, 66273.34,  
 66273.35, 66273.36, 66273.37,  
 66273.38, 66273.39, 66273.40,  
 66273.51, 66273.52, 66273.53,  
 66273.54, 66273.55, 66273.56,  
 66273.60, 66273.61, 66273.62, and  
 67100.2 REPEAL: 6 6273.7.1,  
 66273.7.2, 66273.7.3, 66273.7.4,  
 66273.7.5, 66273.7.6, 66273.7.7,  
 66273.7.8, 66273.7.9, 66273.7.10,  
 66273.10, 66273.11, 66273.12,  
 66273.13, 66273.14, 66273.15,

	66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.21, 66273.41, 66273.70, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, and 66273.90 Articles Affected: Amend article 3; Adopt new article 4; Renumber old article 4 to article 5; Renumber old article 5 to article 6; Repeal old article 6; Repeal old article 7 and adopt new article 7.	11/13/08	ADOPT: 97234, 97267 AMEND: 97215, 97225, 97226, 97227, 97241, 97244, 97248
01/29/09	AMEND: 97174	11/06/08	AMEND: 2706-2, 3302-1, 3303.1(c)-1
01/28/09	AMEND: 41508, 41509, 41510, 41511, 41512, 41514, 41515, 41515.1, 41515.2, 41516, 41516.1, 41516.3, 41517, 41517.3, 41517.5, 41517.7, 41518, 41518.2, 41518.3, 41518.4, 41518.5, 41518.7, 41518.8, 41518.9, 41519, 41610, 41611, 41670, 41671, 41672, 41700, 41800, 41811, 41815, 41819, 41823, 41827, 41831, 41832, 41835, 41839, 41844, 41848, 41852, 41856, 41864, 41866, 41868, 41872, 41900, 42000, 42050, 42075, 42110, 42115, 42120, 42125, 42130, 42131, 42132, 42140, 42160, 42180, 42305, 42320, 42321, 42326, 42330, 42400, 42401, 42402, 42403, 42404, 42405, 42406, 42407, 42420, 42700, 42701, 42702, 42703, 42705, 42706, 42707, 42708, 42709, 42710, 42711, 42712, 42713, 42714, 42715, 42716, 42717, 42718, 42719, 42720 REPEAL: 42800, 42801	10/29/08	AMEND: 64413.1, 64414, 64431, 64432, 64432.2, 64432.8, 64433.3, 64445.1, 64447.2, 64482
01/26/09	AMEND: 51313.6, 51320, 51476, 51510, 51510.1, 51510.2, 51510.3, 51511, 51513, 51520 REPEAL: 51513.5, 51520.1, 51520.2, 59998	10/28/08	AMEND: 87102, 87105
01/23/09	AMEND: 51000.6.1, 51000.8, 51000.16, 51000.20, 51000.20.1, 51000.24.1, 51000.25.2, 51000.30, 51000.50, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60	10/15/08	AMEND: 2051-3
01/22/09	ADOPT: 72038, 72077.1, 72329.1 AMEND: 72077, 72329	<b>Title 23</b>	
01/15/09	AMEND: 101115	02/19/09	ADOPT: 3939.35
01/06/09	AMEND: 66270.60, 67450.30	02/03/09	AMEND: 3989
12/09/08	AMEND: 51521	01/07/09	ADOPT: 3939.34
12/09/08	AMEND: 100031, 100032, 100033, 100034, 100035, 100036, 100037, 100038, 100039, 100040, 100042, 100043 REPEAL: 100041	01/05/09	ADOPT: 3006
11/24/08	AMEND: 2706-1	12/09/08	ADOPT: 3939.33
11/20/08	AMEND: 3254(i)-2	12/01/08	ADOPT: 3949.6
		11/06/08	AMEND: 2200, 2200.4, 2200.5, 2200.6
		11/06/08	ADOPT: 3939.32
		11/05/08	AMEND: 1062, 1064, 1077, 3833.1
		10/22/08	ADOPT: 3989.7
		10/14/08	AMEND: 3939.19
		10/06/08	AMEND: 3939.20
		<b>Title 25</b>	
		02/11/09	ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216
		01/21/09	ADOPT: 1322, 1426, 2426 AMEND: 1000, 1002, 1004, 1005, 1006, 1018, 1020, 1020.1, 1020.6, 1032, 1183, 1210, 1211, 1212, 1216, 1312, 1320, 1333, 1429, 1432, 1438, 1468, 1474, 1504, 1612, 1752, 1756, 2002, 2004, 2005, 2006, 2018, 2183, 2210, 2211, 2212, 2216, 2312, 2327, 2429, 2438, 2474, 2504, 2612, 2752, 2756
		12/05/08	ADOPT: 7150, 7151, 7152, 7153, 7154, 7155, 7156, 7157, 7158, 7159, 7160
		10/08/08	AMEND: 4000, 4002, 4004, 4010, 4017, 4020, 4024, 4025, 4030, 4032, 4033, 4034.5, 4040, 4041, 4049.1, 4049.3, 4049.5, 4049.7, 4049.9, Appendix A REPEAL: 4021, 4031.5, 4047, 4047.3, 4047.6, 4550, 4560, 4570, 4580, 4600, 4603, 4605, 4619, 4624, 4626, 4665, 4670, 4680, 4800, Appendix RV-P-1
		<b>Title 27</b>	
		02/18/09	AMEND: 20921
		01/05/09	AMEND: 27001
		01/05/09	AMEND: 27000
		12/02/08	AMEND: 25805(b)
		<b>Title MPP</b>	
		02/09/09	AMEND: 42-721, 42-780, 44-303, 44-307, 44-318, 82-182

02/05/09 ADOPT: 40-037, 70-101, 70-102,  
70-103, 70-104, 70-105 AMEND:  
30-755, 30-770, 40-105, 42-430,  
42-431, 42-433, 42-711, 49-020,  
49-030, 49-060, 63-403, 69-201,  
69-202, 69-205